

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MACROMEX SRL,

Plaintiff,

v.

GLOBEX INTERNATIONAL, INC.,

Defendant.

Case No. 08-cv-00113-SAS

**SARAH J. STERKEN
DECLARATION
IN SUPPORT OF CROSS-
PETITION TO VACATE
ARBITRATION AWARD**

SARAH J. STERKEN, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an associate at DLA Piper US LLP (“DLA Piper”), counsel to Globex International, Inc. (“Globex”) in the above-captioned action. I respectfully submit this declaration in support of Globex’s Cross-Petition to Vacate the Arbitration Award.
2. **Exhibit 1** is the United Nations Convention on Contracts for the International Sale of Goods (CISG).
3. **Exhibit 2** consists of the four April 14, 2006 Globex contracts for the sale of US-origin poultry for delivery to Macromex at Constanta, Romania.
4. **Exhibit 3** is Globex’s June 21, 2007 Post-Hearing Memorandum.
5. **Exhibit 4** is Macromex’s June 21, 2007 Post-Hearing Memorandum (excluding exhibits).
6. **Exhibit 5** is Globex’s July 16, 2007 Post-Hearing Reply Brief.
7. **Exhibit 6** is Macromex’s July 16, 2007 Post-Hearing Reply Brief.
8. **Exhibit 7** is the August 7, 2007 Interim Award awarding Macromex damages, legal fees and costs.

9. **Exhibit 8** is the August 20, 2007 Request for Interpretation filed by Globex requesting that the arbitrator interpret and reconsider the August 7, 2007 Interim Award.

10. **Exhibit 9** is an August 27, 2007 email from the arbitrator to Globex's counsel, Stanley McDermott III of DLA Piper, and Macromex's counsel, James F. Sweeney of Nicoletti Hornig & Sweeney, directing Macromex to respond to Globex's Request for Interpretation and proposing a date to hold a hearing on the Request for Interpretation.

11. **Exhibit 10** is Macromex's September 26, 2007 memorandum in opposition to Globex's Request for Interpretation and Globex's October 2, 2007 Supplemental Submission on the Issue of Finality.

12. **Exhibit 11** is the October 9, 2007 transcript of the hearing on Globex's Request for Interpretation, including Globex's supplemental exhibit "Tblisi Resale Analysis" submitted at that hearing.

13. **Exhibit 12** is the October 10, 2007 letter from Mr. Sweeney to the arbitrator regarding calculation of damages as well as Mr. McDermott's October 11, 2007 letter in response.

14. **Exhibit 13** is the October 23, 2007 Interim Award awarding Macromex damages, legal fees and costs.

15. **Exhibit 14** is the October 23, 2007 Post-Hearing Order No. 1, which the arbitrator issued along with his October 23rd Interim Award, and a redline comparison of the August 7th Interim Award with the October 23rd Interim Award. As explained in Post-Hearing Order No. 1, in the October 23rd Interim Award the arbitrator (a) deleted the last sentence of the first full paragraph on page eight, (b) substituted "§ 2-615" for "§ 2-614" in the first full paragraph on page ten, and (c) edited the first sentence in the second full paragraph of page ten.

16. **Exhibit 15** is the December 12, 2007 Final Award awarding Macromex prejudgment interest, legal fees and costs in addition to the principal amount of the award and the December 27, 2007 Disposition of Application for Modification/Clarification of Award of Arbitrator that increases the total legal fees from \$152,080 to \$161,752.34.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 12, 2008.



Sarah J. Sterken